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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Ernest A. Voisin

Serial No.: 09/121,725

Group Art Unit: 1761

Filed: July 24, 1998

Examiner: Drew Becker

For: A Process of Elimination of Bacteria in  
Shellfish, of Shucking Shellfish and  
An Apparatus Therefor

Date: May 24, 2004

To the Honorable Commissioner  
Of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Box: Board of Patent Appeals and Interferences

**APPEAL BRIEF**

Sir:

This is an Appeal Brief with respect to the Notice of Appeal filed on March 24, 2004.

**1. REAL PARTY IN INTEREST**

Innovatit Seafood Systems, LLC, assignee of the entire right in this application is the real party in interest in the present application and appeal.

**2. RELATED APPEALS AND INTERFERENCES**

An appeal filed on 06/11/03 is pending in a related application Serial No. 09/949,704. However, the appeal in the related application is not believed to directly affect, or be indirectly affected by or have a bearing on the Board's decision in this appeal.

**3. STATUS OF CLAIMS**

Claims 3, 4, 6, 7, and 27 are pending in the application. Claims 6 and 27 were finally rejected under 35 U.S.C. 102(b) as being anticipated by JP 4356156A in the Office Action of

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